

CORRECTIVE ACTIONS SUMMARY REPORT

Immediately following the tragic shooting in Sutherland Springs, Texas, the Secretary of the Air Force (SecAF) directed a rapid review to answer the following questions. The review was completed in December 2017. The respective answers follow each question.

1. Did the Air Force fail to report Kelley's criminal history to federal criminal history databases in accordance with established guidelines?
 - Yes, the Air Force, on several occasions, failed to properly report Kelley's criminal history to federal criminal history databases, often referred to as "indexing." Specifically, the Air Force failed to index Kelley when legal probable cause thresholds were met, when he was convicted, and when he was confined.
2. If the criminal history wasn't appropriately reported, why?
 - The failure in reporting Kelley's criminal history was not an isolated event unique to this case or to Holloman Air Force Base where the investigation unfolded. Lack of compliance with reporting requirements across the Air Force and the other Services was highlighted in multiple Department of Defense Inspector General audits that took place prior to the tragic shooting in Texas. Although in response to the audits, some corrective actions were implemented, they were not timely or sufficient to achieve 100% compliance. The systemic breakdowns were attributed to lack of sufficient training, prioritization, command emphasis, workload, and inefficient indexing processes that were labor intensive, lacked oversight mechanisms, and prone to human error. *Note -- based on this finding, SecAF immediately directed the audit, and as necessary, correction of all legacy case files going back to 1998. Further information is provided later in this summary report.*
3. What near-term measures need to be immediately implemented to ensure compliance with reporting measures?
 - The Air Force should immediately complete and close all open recommendations from previous audits. The Air Force should immediately review and update, as required, all governing Air Force Instructions, guidelines, and policies to ensure enterprise-wide alignment with Department of Defense-level instructions. The Air Force Office of Special Investigations (AFOSI) and Air Force Security Forces (AFSF) should immediately disseminate updated guidance and conduct command-wide training on criminal history reporting guidelines and procedures. Commanders at all levels should immediately engage their Airmen to clearly articulate the need for total compliance and to assess local limitations, if any.
4. What systemic measures need to be implemented to ensure sustained 100% timely compliance, enhance efficiency, and minimize human error risks?

- The review provided 21 recommendations to address the implementation of systemic corrective actions necessary to ensure sustained and error-free compliance with criminal history reporting guidelines. The “corrective actions” section later in this summary report addresses some key recommendations and actions to date. The review also recommended the establishment of a cross-cutting working group with representation from AFOSI, AFSF, Air Force Judge Advocate (AF/JA), Family Advocacy Program (FAP), and Air Force Surgeon General (AF/SG) to consider and coordinate additional initiatives to enhance collaboration, both within the Air Force and with the other Services.
5. Have all previous criminal history reporting audit recommendations been complied with?
 - No. Although some of the audit recommendations had been complied with, and in turn improved overall Air Force compliance, many recommendations remained open. The rate of progress in achieving 100% compliance was not acceptable.
 6. Outside the specifics of the Kelley case, is the Air Force in compliance with all reporting guidelines to federal criminal history databases?
 - The review identified multiple deficiencies in criminal history reporting processes. For instance, the collection and submission of deoxyribonucleic acid (DNA) samples were found to be non-compliant. Policy, procedures, and execution discrepancies were noted in indexing for mental health reasons. Indexing shortfalls were identified for prosecutions outside of AFOSI and AFSF investigations. Procedures were lacking for reporting of criminal history resulting from Commander Directed Investigations. Potential reporting gaps were also identified in sex offender registry reporting policies and procedures upon an individual’s release from confinement.

CORRECTIVE ACTIONS

The review also provided a list of recommended actions to systemically and sustainably enhance compliance with all criminal history reporting guidelines. Armed with the conclusions of the review, which was completed a few weeks after the incident, SecAF and Chief of Staff of the Air Force (CSAF) directed the following actions:

1. Immediately implement all near-term corrective actions recommended by the review and previous audits to ensure compliance – Complete
2. Implement all systemic recommendations in the review to ensure long-term compliance and efficiency – 20 of 21 recommendations have been completed

3. Immediately begin a review of all legacy case files going back to 1998 to ensure compliance with reporting requirements – Phase-1 back to 2002 is complete; Phase-2 back to 1998 is ongoing
4. When the corrective actions are implemented, conduct an Air Force Audit Agency audit to ensure effectiveness – Ongoing, will be completed January 11, 2019
5. Share all the lessons learned with the other Services, and as applicable, the Department of Defense Inspector General – Ongoing
6. Direct recurring updates on overall progress to the SecAF and CSAF – Ongoing

A. Immediate Corrective Actions

Immediately following the shooting, the Air Force disseminated guidance to all units clearly emphasizing the need for 100% compliance with criminal history reporting requirements and governing regulations. Associated training material was updated, disseminated to all units, and training of all personnel was directed and fully completed in April 2018. AFOSI and AFSF leadership conducted Service-wide command engagements to ensure all personnel clearly understood the critical importance of reporting in accordance with established guidelines. Lastly, all governing policies and regulations were reviewed, and as required, updated to ensure compliance with overarching regulations and to enhance clarity.

Based on the conclusions of the review and previous Department of Defense Inspector General audits of compliance with criminal history guidelines, SecAF and CSAF directed a review of all legacy case files going back to 1998. AFOSI and AFSF stood up two task forces to conduct the review and divided the task into two phases. Phase-1 covered legacy cases back to 2002 (at which point records were captured electronically, resulting in significantly easier access). Phase-2 covered hardcopy legacy records from 2002-1998. The task forces were directed to review the legacy files and correct any deficiencies in reporting to federal criminal history databases, specifically to the National Instant Criminal Background Check System (NICS) or the NCIC. To rapidly mitigate risk, the effort was further prioritized to first focus on reviewing and correcting all case files containing information that could prevent someone from inappropriately purchasing a weapon.

Air Force Inspectors General also conducted audits of two AFSF squadrons per Air Force Major Command to assess the effectiveness of the immediate course correction efforts. The results from these audits greatly aided much needed follow-on actions to ensure full understanding of, and compliance with, reporting guidelines at the individual airman level within squadrons and detachments.

B. Systemic Corrections

The review made 21 recommendations that contributed to systemic and sustainable corrections to ensure 100% compliance with criminal history reporting. SecAF and CSAF

directed a rapid review and implementation of the recommendations, but also directed the formation of a cross-functional working group with representation from AFOSI, AFSF, AF/JA, FAP, and AF/SG to consider additional measures. This cross-functional working group's charter is to ensure 100% compliance, enhance coordination and collaboration, maximize efficiency and reduce the risk of human error. The working group was directed to share lessons learned and cross-cutting department-wide issues with the other Services.

Of the 21 recommendations made, all but one has been implemented, and the remaining initiative is rapidly progressing with an expected completion date of September 2019. Highlights of key initiatives follow:

B.1. Cross-Functional Corrective Actions

To rapidly and comprehensively review and implement systemic, sustainable, and efficient criminal history reporting policies and procedures, a first-ever joint requirements working group was established with full participation from all Air Force stakeholders. Many of the enduring course corrections are a product of the work conducted by this working group. To enhance standardization of criminal history reporting practices and provide enduring higher headquarters oversight of compliance, AFOSI and AFSF have established a centralized Criminal Justice Indexing Cell at AFOSI Headquarters in Quantico Virginia, with participation by AF/JA and as required, AF/SG, FAP, and Drug Demand Reduction. To aid in the error-free collection, timely transmission, and storage of fingerprints critical to criminal history reporting, the Air Force allocated the necessary resources to procure digital fingerprinting stations for all field locations and to provide the necessary training to efficiently use the equipment. All 200 systems have been acquired, and the fielding and training was completed on November 15, 2018. To enhance coordination, standardization, and efficiency of criminal history reporting requirements, an Air Force Instruction governing the topic has been drafted and is currently in coordination for final approval.

B.2. AFOSI Specific Corrective Actions

To provide oversight by higher headquarters and to reduce the risk of human error as much as possible, AFOSI adopted a three-tier review process for criminal history reporting which includes the detachments, region headquarters and AFOSI headquarters. To facilitate more timely and accurate reporting into National Instant Criminal Background Check System (NICS) and thereby prevent individuals from being able to inappropriately purchase a weapon, AFOSI requested and received approval to make direct uploads into the NICS database on behalf of the Air Force. AFOSI also made changes to its agency-wide automated investigation management system to enhance accurate reporting and to allow oversight by higher headquarters. In addition, AFOSI instituted mandatory annual refresher training for all agents on criminal history reporting and Combined DNA Index System (CODIS) reporting.

B.3. AFSF Specific Corrective Actions

To ensure full compliance with reporting requirements, AFSF updated their governing instructions and policies to align with overarching Department of Defense instructions. For example, policy gaps in the execution of Military Protective Orders were corrected and sexual offender registry reporting procedures and responsibilities were adjusted to eliminate reporting gaps. AFSF also created a criminal history compliance reporting tool that enhances oversight, efficiency, and minimizes the risks of human error. To improve overall digital data input, storage, accuracy, visibility, oversight, and sharing of criminal history data between key stakeholders, AFSF purchased and is in the process of implementing the use of a new case management system. To enhance visibility and easy access to criminal history case files, AFSF is in the process of assessing electronic imaging and disposition of records.

C. Review of Legacy Case-Files

The review of all legacy case files going back to 2002 to ensure appropriate criminal history reporting requirements were met was completed on July 31, 2018 (Phase-1). Utilizing available court records, AFOSI also identified individuals with convictions qualifying for firearms prohibition going back to 1998 and input their prohibition information directly into NICS.

To correct the remaining case files from Phase-1 requires access to fingerprints the Air Force no longer possesses. We are working with interagency partners to secure access to needed fingerprints. Note, none of the remaining cases are in the category of prohibiting individuals from inappropriately purchasing firearms.

We are now also conducting Phase-2 of our legacy case review, which extends from 2002-1998. Prior to 2002, case files were not electronically scanned and archived, so this work will rely on hardcopy records stored in the archives and will be time consuming.

D. Ongoing Corrective Actions

The fielding of digital fingerprinting equipment to all processing locations within the Air Force was completed on November 15, 2018. The migration of AFSF from their legacy data-management system to a new system that provides much needed automation, efficiency, higher headquarters visibility, and necessary data-sharing with AFOSI and AF/JA, is ongoing and scheduled to be completed by September 2019. The directed audits by the Air Force Audit Agency to evaluate the full effectiveness of implemented corrective measures to date is ongoing and will be completed by January 11, 2019.

Our internal reviews also identified cross-cutting, department-wide inefficiencies and disconnects that need to be addressed. We are working with the other Services and the Department of Defense Inspector General to address common deficiencies and to, when possible, enhance standardization.

CONCLUSION

The Air Force's review into the facts and circumstances surrounding former Air Force member Devin Patrick Kelley's tragic acts in Sutherland Springs, TX, uncovered failures on multiple occasions to report Kelley's criminal history. Moreover, we found this was not an isolated event unique to this case or to Holloman AFB, NM. Rather, the review highlighted a broader lack of compliance with reporting requirements across the Air Force. By direction of the SecAF and CSAF, wide-ranging corrective actions and process improvements have been and continue to be made to ensure full and sustained compliance with criminal history reporting requirements. Throughout this process, the Air Force has shared with the other Services applicable lessons learned and will continue to do so.